

Department of Environmental Protection

Reforming the Administrative Appeals Process at MassDEP

Beginning in 2004, the Massachusetts Department of Environmental Protection (MassDEP) implemented a number of changes designed to speed up the resolution of administrative appeals filed with the Department. The results after two years show that MassDEP has dramatically reduced the time it takes to resolve the majority of cases and increased the total number of cases closed each year.

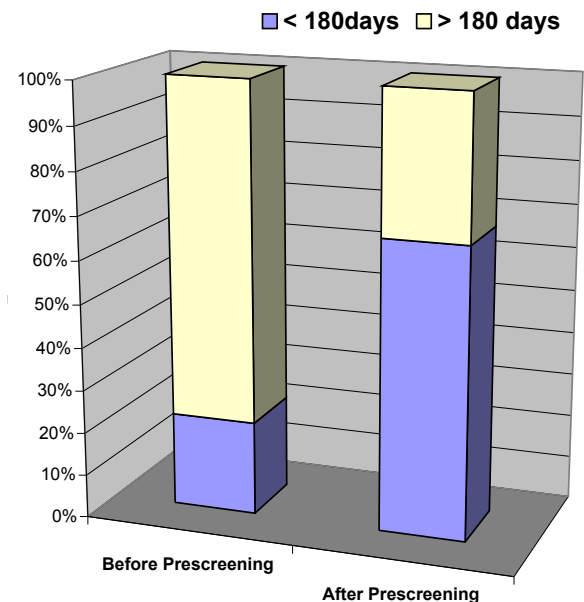
The MassDEP Prescreening Program

The Prescreening Program administered by MassDEP's Office of Appeals and Dispute Resolution is at the heart of the recent changes to the adjudicatory process. Under

this Program, one of MassDEP's Presiding Officers reviews every new appeal filed with the Department within thirty days, explores early resolution with the parties, and offers alternative dispute resolution services to assist the parties in resolving the appeal. Cases unresolved after Prescreening are transferred to the Division of Administrative Law Appeals (DALA) for further adjudicatory proceedings.

Pilot implementation of the Prescreening Program began in January 2004 based on the recommendations of the Hearing Reform Advisory

Percent of Cases Closed in Less Than 180 Days
Before and After screening (1/1/04)



Committee. The prescreening process was formalized in amended adjudicatory hearing rules effective January 1, 2005.

*Results of Prescreening,
continued on reverse >*

**Cases are closing
faster...**

**More cases are
closing...**

**In 2005, the number
of cases closed was
74% higher than the
number closed in
2003. For the first
time since 1998, the
number of cases closed
exceeded the number
of new cases filed.**

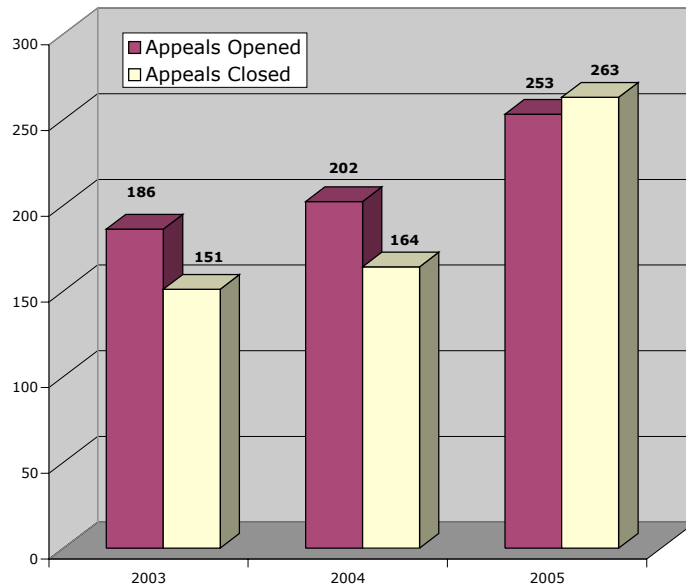
Results of Prescreening

Results from the first two years of the Prescreening Program show that it has been very effective in both achieving faster resolutions to adjudicatory appeals and increasing the total number of cases closed.

Cases are closing faster.

Since the institution of prescreening in 2004, the number of cases resolved within 180 days of filing has increased from 22% to 67%. Increasing the number of cases that are resolved early not only benefits the parties involved, it also

Appeals Opened and Closed by Year



allows other cases requiring further adjudication to move forward through the litigation process more efficiently.

More cases are closing.

After one full year of implementing prescreening, the number of cases closed in 2005 increased by 60% over the number of cases closed in 2004, and by 74% over the number closed in 2003. For the first time since 1998 the number of cases closed exceeded the number of cases filed. MassDEP achieved this increased rate

of case closure despite a 36% increase in the number of appeals filed in 2005 compared to 2003. The increased number of appeals filed is primarily attributable to MassDEP's enhanced enforcement efforts in recent years. ■

**After one full year
of implementing
prescreening, the
number of cases
closed in 2005
increased by 60%**



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